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HORST MÜH LE ISEN

H INDENBURG'S WILL OF MAY 11, 1934 I.

In the spring of 1934, Reich President Paul von Beneckendodf and Hindenburg, who was in his eighty-seventh year, showed the first signs of the illness that would lead to his death on August 2 of the same year. Edgar J. Jung, an associate of Franz von Papen, the "deputy of the Reich Chancellor", therefore urged the Vice-Chancellor at the beginning of March 1934 to ascertain whether Hindenburg intended to leave a will or a last will and testament. Jung believed that the head of state should be persuaded to speak out in favor of the re-establishment of the monarchy; this was to prevent the office of Reich Chancellor and Reich President from falling to the NSDAP. Papen replied that he would only approach Hindenburg when Hitler had told him how he envisaged the succession to the office of Reich President.

This initiative does not appear to have been the only one. State Secretary Otto Meissner, the head of the "Office of the Reich President", reported that Hindenburg had already told him at the beginning of 1934 that he was being urged from various sides to leave a political statement of intent, but had no inclination to do so. What he had to say to the German people was set down in the concluding words of his book "Aus meinem Leben" (From my life), published after the First World War. Meissner had agreed with this view.

The talks between Papen and Hitler took place on March 8, 1934'. The Vice-Chancellor discussed the question of the succession of the head of state with the Reich Chancellor and suggested that the offices of Reich President and Reich Chancellor should remain separate in the future. According to his report, Papen explained how difficult it must be for Hitler to place the leadership of the Nazi movement in other hands if h e himself intended to become Hindenburg's successor. For in such a case, he would have to stand above all political tendencies as an objective and impartial head of state. He, Papen, had come to this conclusion,

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The stenographic note by Count Hans Reinhard von Kageneck in his pocket diary on March 8, 1934 reads: 'Chief [Papen] in RK [Reich Chancellery] and [nd] H.[itler] wg [wegen] Nachf.[olger]' (written communications from 12. 9. 1989).

Typescript record of Count Kageneck, Munzingen Castle near Freiburg i. Br., Hindenburg's will [dated 6. 9. 1989] and oral communications on 29. 7. 1989.

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that Hitler could not be expected to entrust his work to someone else, and the only solution would therefore be to reintroduce the constitutional monarchy.

"I was almost astonished at how quickly my proposal met with a positive response", Papen wrote, and this should indeed have given him pause for thought. The Reich Chancellor had been "full of praise for the work of some outstanding Prussian kings" such as Friedrich Wilhelm I, whom he praised as "one of the most excellent administrators in our history". Hitler suggested that in order to return to the monarchy, the German people should be brought closer to the lives of such rulers. He had been so impressed by the idea that he had immediately issued instructions to have the life of this Prussian king filmed.

In conversation with Papen, Hitler was therefore not averse to a restoration of the monarchical form of government "for the purpose of stabilizing his great work", but, in keeping with his method of always stating a reservation, he immediately made it clear that the internal situation of the Reich must first be consolidated and that the provisions of the Treaty of Versailles that restricted sovereignty must first be removed before a monarch could hope to consolidate his position. Hitler also raised no fundamental objections to the House of Hohenzollern, but found it difficult for a future emperor to no longer be King of Prussia at the same time and emphasized that he rejected the restoration of the dynasties. Germany would also have to recover economically before the introduction of the monarchy[4] . After these remarks, the Chancellor named names: He expressed reservations about Crown Prince Wilhelm, whose brother, Prince August Wilhelm, the Emperor's fourth son, was also unsuitable according to Hitler, even though he was an overzealous party member and never missed an opportunity to show himself in SA uniform. However, on March 8, Papen and Hitler agreed to look for a pretender to the throne from among the Crown Prince's sons. Papen suggested Prince Louis Ferdinand, the second eldest, whose career to date had impressed him, and finally the Reich Chancellor and his Vice-Chancellor agreed to take Louis Ferdinand into the service of the Reich Chancellery and prepare the prince for his task.

Of course, Hitler never seriously considered a restoration of the constitutional monarchy in Germany; his benevolent, almost demonstrative interest was merely a pretense. In this context, his statement of March 1927 is revealing, in which he s a i d of the monarchical form of government that it was "only external

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Franz von Papen, Der Wahrheit eine Gasse, Munich 1952, p. 369; see also Fritz Günther von Tschirschky, Erinnerungen eines Hochverräters, Stuttgart 1972, p. 148.

' So Kageneck (verbatim quote from Papen) in his typewritten note [dated 6. 9. 1989].

For the following remarks, see also Munich District Court, Registry S, Franz von Papen Trial Chamber Files, Vol. 3, Appeal Hearing against Papen on January 18, 1949 in Nuremberg, 1st day of trial, p. 27.

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Form'. And: "The content of all these forms is our people." His listeners should not believe "that a monarchy is more beautiful than a republic when it is populated by ragged, sick, unhealthy figures. The content is the most valuable thing. The form is what is changeable. [5] In talks with leading representatives of the nobility, such as Friedrich von Berg, the penultimate head of the Secret Civil Cabinet of the Emperor and King of Prussia, in the spring or autumn of 1933, Hitler did not reject the monarchy for Germany "absolutely", but emphasized that as long as he was alive, there was no question of reintroducing it, because the people only wanted him, Hitler, and no one else. These were tactical expectations in order to win over the conservative monarchist movement, which had a considerable following in the 1920s and 1930s, to National Socialism. He expressed these ideas in spring 1934 to Major General (ret.) Wilhelm von Dommes, the plenipotentiary general of the Prussian royal house.

As far as is known, Hitler spoke out against the monarchy twice between these two statements. This was the case on March 23, 1933, when he said in his government declaration on the "Enabling Act": "It [the government] therefore r e g a r d s the question of a monarchist restoration as out of the question for the very reason that these conditions currently exist." On January 30, 1934, he emphasized: "With all appreciation of the values of the monarchy, with all reverence for the truly great emperors and kings of our German history, the question of the final form of the state of the German Reich is today beyond any discussion. However the nation and its leaders may decide in the future, they should never forget one thing: Whoever embodies Germany's ultimate leadership receives his appointment from the German people and is exclusively obliged to them!" Hitler then spoke the concluding sentence: "I myself feel that I am only the nation's representative for carrying out those reforms which will one day enable it to make the final decision on the final vedas- sion of the Reich."'

This statement was a further signal that Hitler was staking his claim to become Hindenburg's successor. As early as September 1933, he had planned to combine the office of Reich President with that of Chancellor upon his death and rest as "Reichsführer". He had made similar remarks to Dommes, who had visited him on October 25, 1933 to discuss the possible return of Kaiser Wilhelm II to Germany. About this un

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Hitler. Speeches, writings, orders. February 1925 to January 1933, vol.11/1, edited and annotated by Bärbel Dusik, Munich 1992, p.176 f.

Friedrich v. Berg as Head of the Secret Civil Cabinet 1918. Memoirs from his posthumous life, ed. by Werner Conze/Erich Matthias, edited by Heinrich Potthoff, Düsseldod 1971, p. 72, note 67. On Dommes, see Sigurd von Ilsemann, Der Kaiser in Holland. Monarchie und National-sozialismus 1924-1941. Aufzeichnungen des letzten Flügeladjutanten Kaiser Wilhelms II., vol. 2, ed. by Harald von Königswald, Munich 1968, p. 258.

Max Domaius, Hitler. Reden und Proklamationen 1932-1945, vol. I, 1st half-volume 1932-1934, Wies- baden 1973, pp. 232, 353.

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The plenipotentiary of the Prussian royal house wrote a report on the same day and forwarded it to the former monarch. The last paragraph in it deserves special attention: "On Hindenburg's death, Hitler becomes his successor in one form or another. At the same time, however, he remains chancellor." This s e e m s like an anticipation of events, as the Reich Chancellor never seriously considered reintroducing the monarchy.

Papen, whose naivety towards Hitler was boundless, nevertheless saw a certain chance of realizing his idea of reintroducing the monarchy. He asked his friend Kurt Freiherr von Lersner, the former chairman of the German peace delegation in Versailles, to influence Benito Mussolini. At the forthcoming meeting in Venice in mid-June 1934, the latter was to persuade Hitler to return to the monarchical form of government "under all circumstances"[9] . Mussolini was to inform the Reich Chancellor that he had had very good experiences with King Victor Ernest III as the independent head of state. Mussolini assured Lersner that he would do everything in his power to fulfill this request. Of course, nothing came of it. Mussolini probably did not touch on this point in his talks with Hitler.

On March 9 or 10, 1934[0] Papen visited the Reich President and 'frankly discussed with Hindenburg the necessity' of ensuring that 'a chaotic situation' was avoided if the Reich President became incapable of governing. Papen claims to have pointed out to Hindenburg that, according to the Weimar Constitution, if the head of state died, his powers would pass to the chancellor until a new president was elected. It seemed "very doubtful" to Papen, as he went on to explain, whether the National Socialists would adhere to this election obligation. If they followed the constitution, there was no doubt that they would install Hitler. In the eyes of the Vice-Chancellor, the only way to prevent such a solution was to recommend the introduction of the monarchy to the German people and Hitler by means of a political testament by Hindenburg. According to Papen, the head of state "still had an extraordinary reputation throughout the country" and his last will could make it easier for Hitler to enforce the monarchical solution against the radical currents in the party. However, as so often with Papen, this was a fallacy.

With the idea of writing a will, Hindenburg declared himself - according to Papen - agreed. He asked the Vice-Chancellor to d r a f t a last will and testament and, like Meissner, referred to the account in his book "Aus meinem Leben" (From my life), which Papen was to consider as the basis of the will. The Vice-Chancellor took great pains to ensure that the draft was consistent in style, tone and

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' Ilsemann, Der Kaiser in Holland, p. 237;
Papen, Wahrheit, p. 373.

" Kageneck's stenographic note in his pocket diary dated March 9 or 10, 1934, which he crossed out due to lack of space, reads: 'Chief (Papen) at Hdbg. [Hindenburg] wg [because of] Test.[ament]' (written communications from 12.9. 1989).

" Papen, Wahrheit, p. 370; see also Tschirschky, Erinnerungen, p. 150.

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This was successful, as Papen was very familiar with Hindenburg's preferences and inclinations, not least from his time as Reich Chancellor. The draft, which has not been preserved, was to contain above all the two points proposed by the Vice-Chancellor: 1. separation of the offices of Reich President and Reich Chancellor, 2. reintroduction of the office of Reich President and Reich Chancellor, 3. the reintroduction of the office of Chancellor.
of the monarchical form of government in Germany after the death of the Reichsprasiden-
tend[2]

Hitler was informed about the thrust of the initiative, Papen himself put him in the picture before he worked out the draft. What Papen's private secretary Fritz Günther von Tschirschky wrote in his memoirs about the creation of the concept is incorrect in all points and embellishing details. Papen had not received a "document intended as a draft will" from Hindenburg, the second part of which dated from 1932, as Tschirschky claims. The Vice-Chancellor drew up the draft on his own; with the National Socialist vocabulary used in the final words "I thank Providence *".
He was familiar with the words that can be found in the opening passages of the published testament. In March 1933, he had published a collection of his own speeches, which contained many sub- stantives and phrases used by the National Socialists, especially Hitler. Papen also used the term "providence" there, and in January 1934 his article "The first annual balance sheet" was published, which amounted to a glorification of Hitler, his party and his successes. It also contains formulations that seem like an anticipation of the political testament'[5] .

Nevertheless, Papen denied his authorship of the controversial paragraphs that did not come from Hindenburg's book. In his trial, which took place in January/February 1947, Papen evaded the issue, hiding behind general formulations'[6] and claiming that Hindenburg had written this part". Two

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'[2] This may not have b e e n the first draft will. As early as 1928, a political testament is mentioned which Hindenburg is said to have shown to Admiral Reinhard Scheer when he was called to the office of Reich President and Hindenburg told him that if only he had a different veda- sion, he would have wanted to rule differently. This statement indicates that the head of state had not given up the idea of reintroducing the constitutional monarchy. But it also spoke of skepticism, and even more of resignation. After a lengthy conversation, Hindenburg took his will out of the drawer and showed it to the admiral. In it, he recommended Scheer to the German people as his successor. Nothing i s known about the fate of this document. See Wilhelm Widenmann, Marine-Attaché an der kaiserlich-deutschen Botschaft in London 1907-1912, Göttingen 1952, p. 301.

" Tschirschky, Memories, p. 150.

" Franz von Papen, Appeal to the German Conscience. Speeches on the national revolution, Oldenburg 1933, p. 94.

" Cf. Franz von Papen, Die erste Jahres bilanz, in: Pester Lloyd, January 28, 1934, pp. 6-8, in: Bundesarchiv Koblenz (henceforth: BAK), Zeitgeschichdiche Sammlung (henceforth: ZSg), 117/1135.

" See Munich Local Court, Registry S, Franz von Papen Trial Chamber Proceedings, Trial Chamber Files, Vol. 3, Papen's interrogation, minutes of the public hearing of February 4, 1947 in Nuremberg, p. 320 f.

' Ibid.

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Years later, in March 1949, Papen recanted this statement in the trial against Os- kar von Hindenburg, in which he appeared as a witness, and admitted that "these sentences undoubtedly originated in his mind". The explanation for this behavior is o b v i o u s : at the end of January 1949, the Nuremberg-Fürth Appeals Chamber had c l a s s i f i e d Papen as an incriminated person in Group II"; further trials were now no longer to be expected, so that he was able to retract his statement of February 1947.

Papen's typewritten draft contained the following essential points after careful and critical evaluation of all available evidence: 1. the recommendation to reintroduce the constitutional monarchy after the death of the Reich President, 2. the reference to the fact that the monarchical form of government was best suited to the German people, 3. the separation of the offices of Reich President and Reich Chancellor, 4. the political independence of the Reichswehr, 5. statements on Hitler's positive achievements with the concluding remark that "the great goal of eliminating class antagonisms and reconciling the
whole people still has to be achieved"[20]

At the beginning of April, Papen presented Hindenburg with his draft vol[1] . "He read it and closed it in his desk with the words that he would have to think about it for some time," wrote Papen[22] . On April 28, 1934, Papen was back with the head of state[2] ', and Hindenburg told the Vice-Chancellor that, after careful consideration, he did not consider it right to make a recommendation to the German people about the future of the country.
future form of government. The nation had to decide for itself which form of government it ultimately preferred. He had therefore decided to include only the accountability report in his will. The recommendation to return to the monarchy would be sent to Hitler personally in the form of a letter.
to the head of state. However, the wording of this letter, which is an inseparable part of the political will of the head of state, has not been handed down[2] '.

" Niedersächsisches Hauptstaatsarchiv Hannover, Nds. 171, Lüneburg Uzn/11363, Spruchkammer- vedahren Oskar von Hindenburg, Bd. 26, Vernehmung Papens am 15. 3. 1949 in Uelzen, p. 123.

" Cf. verdict of the Appeals Chamber I Nuremberg-Fürth of January 26, 1949, in: Nuremberg State Archives, KV-Prozesse IMT Q - 17.

[20] Papen, Truth, p. 371.

" Kageneck's stenographic note in his pocket diary at the beginning of April 1934 reads: "Chief [Papen] with Entwud-Test.[ament] at Hdbg [Hindenburg]".

[22] Papen, Truth, p. 371.

[2'] Kageneck's stenographic note in his pocket diary on April 28, 1934 reads: Papen 'at Hdbg [Hindenburg] / Test.[ament] in 2 doc.(uments]'. This was reported by Vice-Chancellor Kageneck at a dinner after Papen had given a lecture to the technical-scientific association. (Written communications of 12. 9. 1989).

" Cf. the article: Hindenburgs Testament gefälscht, in: Die Neue Zeitung of November 26, 1945, p. 1. The article also contains an "abridged reproduction" of Hindenburg's personal letter to Hitler. It warned against merging the offices of Reich President and Reich Chancellor and recommended the reintroduction of the monarchy. However, the expression "It is my will" is highly controversial. See also the reprint in Walther Hubatsch, Hin- denburg und der Staat. Aus den Papieren des Generalfeldmarschalls und Reichspräsidenten von 1878 bis 1934, Göttingen/Berlin/Frankfurt/Zurich 1966, p. 383.

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In January 1947, Papen added that Hindenburg had not wanted to put Hitler under pressure to reintroduce the monarchy after his death and had therefore removed this key point from his concept of the political will in order to convey it to the Reich Chancellor in a letter. Papen's statement, which reflects the immediacy of Hindenburg's reasoning, is just as important as that of Oskar von Hindenburg, who stated that the Reich President had deleted the sections recommending a return to the monarchy "so as not to bring unrest and discord [into the nation]"[2 '].

Hindenburg's decision to share Papen's draft has been the subject of much puzzlement, as this measure seemed incomprehensible. But it was clearly thought through and logical. The Reichsprasident had long since resigned himself to the restoration of the monarchy. He was realistic enough to realize that it would be impossible to restore the monarchy after his death, and he made no secret of this fact. In a meeting in October 1932, a representative of the Kaiser had demanded that the Reichsprasident make amends for "his as yet unpunished crime of Spa". "The atonement must consist of him making preparations for the restoration of the monarchy by preparing my recall by him on behalf of the German people. I authorized this procedure [...]. [26] The conversation had only revealed the great illusion that still existed on the part of Wilhelm II and, as was to be expected, ended in disappointment. A year later, at the end of October 1933, Hindenburg had written to Lt. Gen.

a. D. August von Cramon, who had approached him with the demand to recall the former emperor to the throne on his 75th birthday on January 27, 1934, wrote a clear letter of refusal[27] . Papen's attempt to get the

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different wording of the personal letter to Hitler from memory. Cf. ibid. p. 143, note 24. Wedige von der Schulenburg describes the version of the letter published in the Neue Zeitung on November 26, 1945 as a "forgery". Cf. ibid. p. 383, note 3. Since the authentic text is not available, all further considerations are speculative.

" Chamber of Deputies of Papen (see note 16). Interrogation of Oskar von Hindenburg, transcript of the public session of January 30, 1947, p. 185. Some evidence suggests that the part of Papen's delud, which then became Hindenburg's personal letter to Hitler, preceded the four concluding paragraphs introduced by the words "I thank Providence".

the. At this point, this section would have been in the right place and would have been given its weight as the third part - domestic policy - after the topics of the Reichswehr and foreign policy. For the published will seems fragmentary. Hindenburg's thanks to Hitler would be understandable in this arrangement, as these words follow the foreign policy considerations.

" Kaiser Wilhelm II. to Admiral Magnus von Levetzow, Doorn, 27. 10. 1932, in.- Autographs from all areas. Auction on 3 and 4 March 1994 at the Berlin Opera House, Catalogue 655, Part 2, Music, Theater, History, ed. by J.A. Stargardt, Berlin, p. 152, Jr]. 1322. facsimile of the first page of this letter on p. 151.

" Cf. Hindenburg to Cramon, October 23, 1933, in: Bundesarchiv-Militärarchiv Freiburg i. Br. (henceforth: BA-MA), Cramon estate, N 266/25, fol. 1", 3'. Cf. also Cramon's typewritten note of October 1933 "Argumente für eine Rückkehr seiner Majestät des Kaisers und Königs in Seine Rechte anlässlich des 75. Geburtstages", with the handwritten note

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The attempt to persuade the head of state to include the wish for the reintroduction of the monarchy in his political will did not receive his support.

It can be assumed that Hindenburg did not contact either Kaiser Wilhelm II or Field Marshal August von Mackensen in 1934 to discuss the question of restoring the monarchy. Neither of them knew at this time (April/May 1934) of Papen's draft will or Hindenburg's decision of April 28 to share the Vice-Chancellor's concept; nor did they know any details about the further progress of the will issue. On the other hand, it is fictitious that two months before his death, the Reich President received the Emperor's former House Minister, Colonel (ret.) Leopold von Kleist, who, on behalf of the former ruler, is said to have asked the head of state whether he wanted to say "words in favor of the German monarchy in his final will"[2] '. Kleist is said to have admonished Hindenburg's legacy to the German youth from 1919 and referred to the statements on the monarchy contained therein. However, Hindenburg had retreated to the position that the question of the form of government could not be settled by a decision of will from above. It was up to the people as a whole to decide, but the current crisis was not suitable for this, so he refrained from making a political will. There is no evidence for these statements made by Hindenburg to Kleist. After all, the former House Minister had already taken his leave in December 1932.

It should therefore be noted that although Hindenburg shared Pope's deJlusion, he did not

but stuck to the template in that he did not propose Hitler as his successor. Papen was ambitious enough to want to become Reich President himself[2] ', and therefore avoided naming names in his concept. He thus proved once again that he hopelessly underestimated Hitler and National Socialism and grossly overestimated himself.

At the end of April/beginning of May 1934, only a small circle knew of Papen's death and of Hindenburg's intention to leave only a somewhat expanded account as a will and a letter to Hitler: Hitler and Franz von Papen, of course, as well as Colonel Oskar von Hindenburg[0] , his father's personal adjutant since May 1, 1925, and finally Rittmeister Wedige von der Schulenburg, who had been the Reich President's second personal adjutant since November 23, 1925.

Cramons: 'Mit einem diesbezüglichen Begleitschreiben an den Herrn Generalfeldmarschall von Hindenburg übersandt', in: Ebenda, N 266/46, fol. 1-4.

[2] Gerhard Schultze-Pfaelzer, Die Wahrheit über das Hindenburg-Testament, in: Süddeutsche Zei- This was followed by a counterstatement by Oskar von Hindenburg and Wedige von der Schulenburg, who submitted two affidavits in Medingen on August 8, 1946, published under the title: Das Testament Hindenburgs - keine Fäl- schung? Two historical documents destroy a legend, in: Ebenda vom 20. 8. 1946, p. 1.

[9] Cf. Elke FröMich (ed.), Die Tagebücher von Joseph Goebbels. Sämtliche Fragmente, Part I, Vol. 2, Munich 1987, p. 472.

[0] Spruchkammervedahren O. von Hindenburg (see note 18), interrogation of Hindenburg on March 15.

1949, p. 167 f.

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was. Schulenburg's testimony is of considerable importance with regard to the final drafting of the political will, because he was personally instructed by the Reich President [...] as to how I should do it, both with the will and with the letter to Hitler". At the beginning of May 1934, Hindenburg called Rittmeister von der Schulenburg into his study, handed him Papen's typewritten draft and instructed him to produce the fair copy. The political will consisted of:

1. The last chapter ("My Farewell") from the Field Marshal's memoirs "From my life"[2] . This section was not included in Papen's Entwud. Schulenburg copied it "directly from the book".
2. The typewritten draft, edited and altered by Hindenburg, which von Papen had prepared. Schulenburg provided detailed information about this part: "This draft contained corrections in pencil by the hand of Mr. Reichsprasident v. Hindenburg and also some lines that were intended for typesetting."
3. The personal letter to the Imperial Chancellor, the contents of which were taken from Pope's Entwud. After evaluating all the evidence, this is the most important part of Pope's concept, the actual "meaning and purpose of the will", 'the recommendation of a monarchical form of government'[5] , "but that the time is not yet ripe"'[6] .

In 1947 and 1949, Oskar von Hindenburg, Papen and Schulenburg unanimously reported that the division of the draft was in accordance with Hindenburg's express wish and will.

Schulenburg handwrote the first two parts and the personal letter to Hitler in fair copy according to the Reich President's instructions and completed both documents. On May 11, 1934, the ninth anniversary of his assumption of office

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*' Ibid., interrogation of Schulenburg on IS. 3. 1949, p. 180; Trial Chamber proceedings of von Papen (see note 16), interrogation of Schulenburg, minutes of the public session of February 4, 1947, S. 313.

[2] See Generalfeldmarschall von Hindenburg, Aus meinem Leben, Leipzig 1920, pp. 403-406, from which three sections (p. 405) have not been adopted. These are quotations from a memorandum written in 1811 by Lieutenant Colonel Hermann von Boyen, later General Field Marshal and Minister of War, for his King Friedrich Wilhelm III. The omission was probably made for the sake of brevity.

" Trial Chamber proceedings of O. von Hindenburg (see note 18), interrogation of Schulenburg on March 15, 1949, p. 177; Trial Chamber proceedings of von Papen (see note 16), interrogation of Schulenburg, transcript of the public hearing of February 4, 1947, p. 313.

" Ibid. Cf. also Wolfgang Kalischer, Hindenburg und das Reichspräsidentenamt im "Nationa- len Umbruch* (1932-1934), Diss. phil. FU Berlin 1957, p. 289.

" Trial Chamber Vedahren O. von Hindenburg (see note 18), interrogation of Papen on March 15, 1949, p. 126; Privy Chamber Vedahren von Papen (see note 16), interrogation of Papen, minutes of the public session of January 30, 1947, p. 177; Kalischer, Hindenburg und das Reichspräsidentenamt, S. 289.

" Trial Chamber Vedahren von Papen (see note 16), interrogation of Schulenburg, minutes of the public session of February 4, 1947, p. 314.

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Oskar von Hindenburg and Schulenburg presented both documents to the head of state to have them signed and executed. Hindenburg signed in the presence of his two aides-de-camp and ordered them to remain silent. He then sealed both documents with his seal, after stitching the political will together himself with thread of different colors. Both documents were each placed in an envelope, and these envelopes were also sealed five times. The Reich President then instructed Schn-Lenburg to write on the envelopes. The text that the adjutant wrote on the envelope of the political will read, according to the publication of the German News Agency, which appeared on August 15, 1934: "To the German people and their chancellor. My will. This letter is to be handed over to the Reich Chancellor by my son." The envelope containing Hindenburg's personal letter to Hitler bore the inscription: "To the Reich Chancellor. My last wish!"" After the two documents had been enveloped and labeled, they were placed in the armored cabinet that stood in Hindenburg's study and to which only he had a key. On June 4, 1934, the Reich President and his two aides departed for Gut Neudeck in West Prussia. Before leaving, he handed Schulenburg the two enveloped documents with instructions to take them with him to Neudeck, where Schulenburg locked them in the armored cabinet to which he had access. The two documents remained in this cabinet until August 9, 1934. Two days before his departure, on June 2, the Reich President had received Vice Chancellor von Papen[3] '. It was to be Papen's last meeting with Hindenburg, who was "very worried by the circumstances and tensions within the political arena"[0] . The head of state was not to see Berlin again. In the 1947 court proceedings, Oskar von Hindenburg and Schulenburg testified that Papen had also been present at the signing, which he denied. Why should the Vice-Chancellor have been present? The two witnesses were sufficient, and the notebook of Count Hans Reinhard von Kageneck, Papen's second private secretary, contains no reference to the Vice-Chancellor's presence on May 11, 1934. Franz von Papen probably did not know anything about the signing of the two documents, as Hindenburg executed them during the usual official business. Papen's presence on May 11th would be significant for the account of the events following the death of the Reich President, which would include the efforts to find the will, its publication and the question of a will. of a possible forgery.

" Deutsches Nachrichtenbüro, Berlin, No. 1738, August 15, 1934, in: BAK, Files of the Reich Chancellery, R 43
1/581, fol. 169'-170'.

" Cf. Trial Chamber Vedahren von Papen (see note 16), interrogation of Schulenburg, minutes of the public session of February 4, 1947, p. 314; Trial Chamber Vedahren O. von Hindenburg (see Note 18), Hindenburg's interrogation on March 15, 1949, p.168.

" Kageneck's stenographic note in his pocket diary on June 2, 1934 reads: "Chief [Pa- pen] at Hdbg [Hindenburg], depressed" (written communications of September 12, 1989).

" Typewritten note by Kageneck, "Hindenburg's Testament" [dated September 6, 1989].

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II.

On August 2, **1934, at** nine o'clock in the morning, Reich President von Hindenburg died at his Neubeck estate. The day before, Hitler had been to Neudeck to see Hindenburg, who was already dying. Immediately after the Reich Chancellor's return, the Reich government had passed the "Law on the Head of State of the German Reich" in the evening, while the Reich President was still alive, which provided for the unification of the offices of Reich President and Reich Chancellor and was to come into force upon Hindenburg's death. This was not only an act of irreverence towards the head of state, but also a kind of cold coup d'état that once again revealed Hitler's unscrupulousness. The last obstacle that had stood in the way of Hitler's unrestricted dictatorship had been removed.

The succession law was passed on the morning of August 2. The press and radio published it following the news of Hindenburg's death. On the evening of the same day, a ministerial meeting was held, and Hitler decided in a letter to Interior Minister Wilhelm Frick that he wanted to call himself "Führer and Reich Chancellor" in future because Hindenburg had given the title of Reich President "a unique meaning", pointing out "the greatness of the deceased". At the same time, he called for a referendum on the law of
August 1, which was to take place on August 19.

One day after Hindenburg's death, rumors surfaced that the Reich President's testament could not be found. Meissner, his former secretary of state, had "searched feverishly today in the president's Berlin palace", but had not found the document; "no trace of it has been discovered in Neudeck either"[2] . It almost seemed as if a secret had been created about Hindenburg's last will and testament, especially since on August 5, a report by the Reuter news agency stated that the existence of a political will was "firmly denied in all official circles"[4] '. In the same report, it was pointed out that the personal family will existed; Colonel von Hindenburg had it, but it would not be published. This naturally added to the confusion. Papen, who had been the Reich's special plenipotentiary in Vienna since July 31, also set a false trail when he quoted his certificate of appointment, which b o r e Hindenburg's signature, and expressly s t a t e d that "this order" was "at the same time a legacy to which nothing is to be added".

" Ministerial meeting of August 2, 1934, in: Karl-Heinz Minuth (Bearb.), Die Regierung Hitler, Teil I: 1933/34, Vol. 2, Boppard a. R. 1983, p. 1387 (No. 383, No. 3).

" Konrad Heiden, Adolf Hitler. A man against Europe. A Biography, vol. 2, Zurich 1937, p. 82 f. See also Bella Fromm, Blood and banquets. A Berlin social diary, London n.d. {1943], p.156.

" Heiden, Hitler, p. 83, message from the Reuter news agency of August 5, 1934 in full. " Ibid.

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On August 7, the deceased Reich President was buried in the Tannenberg National Monument near Hohenstein in East Prussia. On his return to Berlin, the "Führer and Reich Chancellor" asked the head of the presidential chancellery, Meissner, whether Hindenburg had left a political will. The State Secretary claimed not to know anything about it, but this statement was not true, as Meissner had left a will on
August 3 in the palace looking for the will. The "Führer" knew about the document anyway, because Papen had shown him the draft and discussed the concept with him before handing Hindenburg the typewritten draft at the beginning of April. Meissner then telephoned Colonel von Hindenburg at Gut Neudeck on August 7 and informed him that a political accountability report, on which Papen had collaborated, was available and was addressed to the German people and the Chancellor. Meissner informed Hitler of this, whereupon the latter declared that he would contact Papen himself and arrange everything else with him. This is what happened: the Reich Chancellor called Papen, who had not yet taken up his new office in Vienna and had also come to the capital from the funeral, on August 8 and asked him where the political will was. The former Vice-Chancellor readily replied that he would find out immediately from Oskar von Hindenburg. "Then I would ask you to put me in possession of this document as soon as possible," was Hitler's reply[45] .

Papen now instructed his second secretary, Count Kageneck, to travel to Gut Neudeck to have Colonel von Hindenburg give h i m the document and bring it to Berlin. In the meantime, rumors about the will had also appeared in the foreign press[4] ', which demanded action. Kageneck set off on the evening of August 8 with a letter from Papen and arrived at Neudeck Estate the next day. It can be assumed with certainty t h a t Papen announced his colleague to Oskar von Hindenburg by telephone. The latter received him immediately, and together they went to the desk of the late Reich President. Hindenburg opened a drawer, removed a large envelope, took out the two enveloped documents and presented them to Count Kageneck. Rittmeister von der Schulenburg had previously taken them out of the armored cabinet and handed them to Oskar von Hindenburg. Kageneck was astonished to see two sealed envelopes with the aforementioned inscriptions; both envelopes bore "the distinctive signatures of Hindenburg". After Papen's secretary had checked that they were intact, Hindenburg put the envelopes back in the large envelope, sealed it and handed it to Kageneck.

" Papen, Truth, p. 373.

" Kageneck's stenographic note in his pocket diary on 8 August 1934 reads: "Excitement in the foreign press because of Hdbgs [Hindenburg's] test. (written communications from 12. 9. 1989). Typewritten record o f Count Kageneck's "Hindenburg's will" [dated 6 Sept. 1989].

'7 Kageneck's stenographic note in his pocket diary on August 8, 1934 reads: "11.28 ab.[ends] Abf.[ahrt] nach Ostpreußen" (written communications of September 12, 1989).

" Typescript note by Kageneck, "Hindenburg's Testament" [dated September 6, 1989].

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from". Count Kageneck drove back to Berlin via Thorn - Posen, where he arrived late in the evening of August 9th and handed Papen the sealed envelope[10] .

The question arises as to why Colonel von Hindenburg withheld the will and his father's personal letter to Hitler for seven days, and why this confusion about the accountability report arose in the first place, which considerably promoted the creation of legends. The envelope containing the political testament read: "This letter is to be handed over to the Reich Chancellor by my son." Oskar von Hindenburg disregarded this order, even though he would have had the opportunity to hand over the two state documents to Hitler at the funeral ceremony in the Reichstag on August 6 and at the funeral of the Reich President on August 7. Oskar von Hindenburg tried to explain this delay in 1947 in the proceedings against Franz von Papen, in which he was questioned as a witness, by saying that the period from August 2 to *7* had been "extraordinarily stressful days for him"[5] '. In his own trial, which took place in March 1949, Oskar von Hindenburg was again questioned in detail on this point, and again he described his physical and mental anguish after the death of the Reich President. However, he was unable to credibly explain why he had not handed over the two documents to Hitler immediately after his father's death. Hindenburg claimed that he had "not even [wanted] to take the documents with me to the funeral service in the Reichstag and to the burial"[2] . Oskar von Hindenburg had not taken advantage of two opportunities to hand over the two state documents. In any case, the best thing would have been for him to fly to Berlin immediately after the death of the Reich President in order to carry out his mission. Was it repression? Did Hindenburg not want to see or speak to Hitler? There is no satisfactory answer. Hindenburg's behaviour remains a mystery, unless one assumes an agreement between Hitler, Hindenburg and Papen to publish the will only a few days before the referendum on 19 August in order to use the legacy of the dead head of state in Hitler's favour. An election trick then? That would explain a lot.

Count Kageneck handed Papen the sealed envelope containing the two letters on August 9. Again, some time passed before Papen had the opportunity to hand the envelope to Hitler. This happened on August 14**, 1934,** when Papen, who was on his way to Vienna, and his secretary Tschirschky went to Berch-

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" Kageneck's stenographic note in his pocket diary on August 9, 1934 reads: 'received [old] test.[ament], 2 doc.[uments], via Thorn - Posen back' (written communications of Sept. 12, 1989).

'0 Cf. the typewritten note by Kageneck, "Das Testament Hindenburgs" [of 6. 9. 1989]. Cf. also Papen, Wahrheit, p. 374.

5' Cf. the Chamber of Deputies of Papen (see note 16), Hindenburg's interrogation, minutes of the public session of January 30, 1947, p. 188.

" Cf. Trial Chamber Vedahren O. von Hindenburg (see note 18), Interrogation of Hindenburg on l5. 3. 1949, p. 171 f.

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tesgaden before he took up his new office in Vienna the following day". On the Obersalzberg, Hitler's adjutant, SA group leader Wilhelm Brückner, immediately brought Papen and Tschirschky to the "Führer and Reich Chancellor". Also present were Konstantin Freiherr von Neurath, the Reich Foreign Minister, and Walther Funk, the Reich government's press chief. Papen handed Hitler the large envelope, who broke the seal and took out the two sealed envelopes; he then opened the envelope with the inscription "To the German people and their Chancellor. My will" and read through the multi-page document. Finally, he broke open the second sealed envelope with the inscription "To Mr. Reichskanzler. My last wish!", which contained Hindenburg's personal letter to Hitler. Tschirschky reports that Hitler was not only aware of the existence of the two documents, but also knew their contents and checked them to see whether they were in fact what he had heard. This observation is consistent with Papen's statement that Hitler had studied both documents "with the greatest attention"[54] . After the Reich Chancellor had also finished reading the letter addressed to him personally[S] , he declared: "These recommendations by the late President are addressed to me personally." And: "I will decide later whether and when I will agree to their publication." The idea of reintroducing the monarchy and thus following Hindenburg's recommendation did not correspond to Hitler's ideas, although the Reich President may have expected the Reich Chancellor to fulfill his wish "in due course".

"My last wish!" had been deposited with it. It was not intended to be published. Nevertheless, according to Papen himself, he urged that both letters be made public. A discussion is said to have arisen between him and Hitler, which became "increasingly witty" and in which Tschirschky probably also intervened, especially as Hitler stuck to his intention of only making the Reich President's accountability report known to the German people. Hitler had become "very unwilling", broke off the conversation and instructed Funk to publish the will immediately. Nothing is known about the whereabouts of the personal letter. Presumably Hitler had it destroyed or he h a d i t destroyed himself.

If Hitler really knew the contents of the two letters, then he could only have been informed about them by one person: Papen. He had informed the Reich Chancellor

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" Kageneck's stenographic note in his pocket diary on August 14, 1934 reads: "Chief [Pa- pen] flies with Tschirschky to Berchtesgaden - Obersalzberg to the Führer" (written communications of September 12, 1989).

" Papen, Truth, p. 374.

5' According to another source, Hitler was "extremely dismayed" after reading it. Cf. Gaston Oulman, Gespräch mit Papens Sekretär, in: Die Neue Zeitung of February 24, 1947, p. 5; Tschirschky, Erinnerungen, p. 225.

" Trial Chamber proceedings O. von Hindenburg (see note 18), Hindenburg's interrogation on March 15, 1949, p. 175.

" Tschirschky, Memories, p. 225.

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At the end of April/beginning of May, he was informed of the will and thus did not commit a breach of trust towards the Reich President, because the silence that Hindenburg had offered his adjutants, Colonel von Hindenburg and Rittmeister von der Schulenburg, on May 11, 1934, did not apply to Papen, who had not been present at the time. Papen's information had been Hitler's trump card. As he was aware of Hindenburg's recommendation to reintroduce the constitutional monarchy, he was able to act in good time and enact the "Law on the Head of State of the German Reich" during the Reich President's lifetime. But this had only been the beginning, and he had based his further actions on it until the referendum on August 19.

On August 15, the German News Office published "Hindenburg's political testament" with the explicit reference that former Vice Chancellor von Papen had delivered the Reich President's will "on behalf of Colonel von Hindenburg to the Führer and Reich Chancellor Adolf Hitler" and that Papen had
"on behalf of the Führer" to present the document to the public that Hindenburg "to the German people"".

The foreign press was reserved and puzzled b y the publication of the will, and leading newspapers expressed doubts about its authenticity[60].
The Times, meanwhile, subtly suggested that the event was "as important as the Reichstag fire". In general, conjecture was widespread. Most articles pointed to the strange circumstance that the publication of the will had taken place immediately before the referendum so that the electorate would vote for Hitler.

On August 16, the German News Office published a statement by Papen in which he spoke of "the national mourning for Germany's departed Eckehardt" and at the same time warned that "the environment hostile to us has often indulged in guesswork about a political testament by Hindenburg",
"whose publication National Socialism would probably never allow

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" So Fritz Günther von Tschirschky in a conversation with Helmut Krausnick on October 3, 1954 in Munich, p. 10 of the transcript, in: Archive of the Institute for Contemporary History, Zeugenschrifttum No. 568/1.

"The will is printed in Hubatsch, Hindenburg, pp. 380-383.

" Cf. Berner Tagblatt of 16. 8. 1934; Le Journal Derriere (Paris) of 16. 8. 1934; The Times of 16. 8. 1934; Le Journal of 18. 8. 1934; Luxemburger Wort vorn 18./19. 8. 1934, in: BAK, ZSg 117/866, former main archive of the NSDAP. In order to dispel the accusation of falsification, Reich Minister of the World, Colonel General Werner von Blomberg, ordered on September 13, 1934, that Rittmeister von der Schulenburg, who w a s in the spa hospital in Reichenhall, "be questioned on the record about the drafting, writing and publication of the will of the immortalized Field Marshal General von Hindenburg", in: BA-MA, RH 1/v. 13 a, fol. 106'. In the same month, the hearing was held by the chief judge of military district VII, Munich. Colonel Ludwig Kübler, the chief of staff, was also present. Schulenburg confirmed the authenticity of the political will. It is not known whether the Reich government then attempted to refute the forgery rumors; no evidence could be found. The minutes of the interrogation from September 1934 could not be found either, despite extensive research.

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would". He himself, Papen said proudly, had given the will to Hitler, and there were "no better refutation of the above-mentioned suspicions and no more conclusive proof of the loyalty with which the Führer vowed to take over the legacy of the immortalized field marshal than the fact that he did not hesitate for a moment to hand over the historical document to the public". The essential content of the legacy was Hindenburg's wish to see the unification of the entire German people, which he had striven for and which the Reich Chancellor had realized on 30 January 1933, "more and more internally consolidated". According to Papen, quoting from the Testament, this unity would lead Germany to the "completion of the historical mission of our people". This was "also Adolf Hitler's only wish". Papen also warned: "We can therefore do no better in this hour to fulfill the legacy of our beloved Field Marshal than to rally closely and unwaveringly around the Führer." And Papen concluded: "Only the unity of the nation in leadership and following, born of the free will of the people, will enable us to overcome the difficulties of the time in order to fulfill our historical and cultural mission more strongly as guarantors of peace." This statement, albeit in different words, is also contained in the Political Testament.

Why was Papen silent in the first days of August? Why did he break his silence just a few days before the referendum? And why did he not mention the personal letter at all? There is no conclusive evidence, but Papen's behavior is a further indication that there was an agreement between Hitler, Papen and Oskar von Hindenburg to publish the will only a few days before the plebiscite and to present the facts in such a way that Hitler profited from them. On August 14, after reading the two letters, Hitler realized what he already knew, that Hindenburg had not appointed him as his successor. It was a testament against Hitler as head of state, and he had to strive to turn this content into the opposite. No one was better suited to this than Papen, who was therefore commissioned to draw up a press release to persuade the German people that the deceased Reich President wanted Hitler to succeed him.

But Hitler and Papen presumably wanted to be on t h e safe side and a d d e d one last safeguard. This is where Oskar von Hindenburg came into play again, who also made himself a compliant election assistant. A few days before August 18, he received the draft of a speech that h a d been prepared by the Reich Ministry for Popular Enlightenment and Propaganda. As he did not like it, h e wrote a speech himself, which he read out on the radio on August 18[62] . The day before, in

" Quoted from the typewritten concept statement [press release] of former Vice Chancellor von Papen on August 16, 1934', in: BAK, Akten der Reichskanzlei R 43 1/581, fol. 168". As can be seen from the stamp, Hitler was aware of this and agreed to its publication.

" The text of the speech is printed in: Herbert Michaelis/Ernst Schraepler (eds. and ed.), Causes and Consequences. Vom deutschen Zusammenbruch 1918 und 1945 bis zur staatlichen Neuord-

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At the press conference of the Reich Minister for Publicity and Propaganda, it was ordered that Hindenburg's speech "must be published under all circumstances before the election, i.e. in the Sunday morning papers at the latest"; the conference also recommended "a good presentation[6] '.

Hindenburg did not mention his father's will at all. Instead, he m a d e an assertion for which there is n o evidence: 'My now immortalized father himself saw Adolf Hitler as his immediate successor as head of the German Reich." He was therefore "acting in the spirit of my father" when he called on all German women and men to vote for the law on the head of state of the German Reich on August 1 in the referendum on August 19.

On August 19, 1934, 95.71 percent of 45,550,402 eligible voters went to the referendum. Of these, 38,394,479 voted Yes - for Hitler; the No votes amounted to 4,301,429, and 873,787 votes were declared invalid. Hitler could now claim, especially to foreign countries, to have received his mandate as head of state, "Führer and Reich Chancellor", from almost ninety percent of the German people.

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nung Deutschlands in der Gegenwart, vol. 10: The Third Reich. The establishment of the Führer state. Die Abwendung von dem System der kollektiven Sicherheit, Berlin [1966], p. 277.

" Transcripts of "Orders" and "Confidential Information" of the press conference of the Reich Minister for Public Information and Propaganda of August 17, 1934, Instruction No. 662, in: BAK, ZSg 101/4, Brammer Collection, fol. 62'.

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